

7 FAM 1940

REPORTING CRIME VICTIM CASES

(CT:CON-407; 06-29-2012)

(Office of Origin: CA/OCS/L)

7 FAM 1941 REPORTING OF SERIOUS CRIME VICTIM CASES

(CT:CON-147; 09-21-2006)

- a. Promptly report all serious crime victim cases to CA/OCS/ACS using ACS+. If urgent assistance is required from CA, follow with a phone call or email. Describe in ACS+ significant on-going activity or involvement in a case and update as appropriate.
- b. It is important to handle and report these cases sensitively and with discretion. Provide enough detail to convey the gravity of the incident, without including sensational or graphic details that would be particularly painful or personal for the victim.
- c. Under the provisions of the Privacy Act, a U.S. citizen/national victimized by crime in your consular district has the right to obtain copies of reports you receive from host country authorities, as well as any cables, e-mails, and memoranda concerning the incident that you send to the Department. Alleged perpetrators of crime or abuse also may seek documents concerning the incident through the Freedom of Information Act. Therefore, be circumspect in how you report the incident.
- d. The ACS+ application provides for the reporting of crimes in ten categories defined as follows for reporting purposes only:
 - (1) Murder and non-negligent manslaughter: The unlawful killing of a person (adult or child) by another. (Does not include deaths caused by terrorism, negligence, suicide, or accident; justifiable homicides; and attempted murder.)
 - (2) Murder/terrorism: The killing of a person (adult or child) as the result of a terrorist attack or hostage-taking by a terrorist group.
 - (3) Injury/terrorism: The injury of a person (adult or child) as a result of a terrorist attack or hostage-taking by a terrorist group. Includes bombings, armed attacks, the act of hostage-taking itself, and other acts.
 - (4) Kidnapping: The unlawful taking and detaining of a person (adult

- or child) against his/her will, for an undetermined amount of time, usually for ransom. (Does not include hostages who are held by terrorist organizations or parental child abduction.)
- (5) Child abuse: The maltreatment of a minor (under the age of 18 years) by, or with the knowledge of, family members or other members of the household that results in injury or harm including physical abuse, neglect, or sexual abuse or exploitation. Includes child abandonment; deprivation of adequate food, clothing, shelter; sexual molestation; rape; prostitution or other exploitation of a child; statutory rape; child pornography; or incest.
 - (6) Rape and sexual assault: Includes attempted rape, rape, molestation, and unwanted kissing, fondling, and groping of an adult and any similar acts of a sexual nature committed against a child that might not be included in the definition of child abuse in #5 above.
 - (7) Aggravated Assault or Assault: An unlawful attack or attempted attack by one person upon another person (adult or child, if not included as child abuse in #5 above) for the purpose of inflicting bodily injury, but which does not result in death. Includes drugging and attempted murder and the use of a weapon or other means likely to produce bodily harm, but bodily harm is not necessarily inflicted. Does not include violence between family members.
 - (8) Robbery: The act or instance of unlawfully taking or attempting to take anything of value from the care, custody, or control of a person (child or adult) by use of force or threat of force or violence and/or by putting the victim in fear. Includes carjacking and mugging. Does not include simply property loss unless the act involved violence or force.
 - (9) Domestic/Family violence: The use of physical violence, threats, intimidation, emotional, or sexual abuse against an adult spouse or intimate partner or other adult family member; includes forced marriages, elder abuse, and violence within unmarried couples.
 - (10) International parental child abduction: The taking or retention of a child outside the United States with the intent to obstruct the lawful exercise of parental rights.
- e. Reporting covers only crimes reported to a consular officer abroad by victims, their families or by the host country government and which result in a consular officer or officers providing substantial assistance to the victim. Crime data from media reports alone will not be included in the report. Non-violent crimes such as burglary and other crimes against property, extortion or identity theft, no matter how much consular assistance is provided, are also not included in the report. Certain

property takings that frequently result in consular involvement are reported annually by posts under the Helms Act reporting requirements (see 7 FAM 615). For reporting purposes in ACS+ each U.S. citizen victim will be counted once in only one crime category that is one of the 10 categories listed in section d. If more than one citizen is involved in a single incident, each victim will be counted as a separate entity. If an individual is the victim of more than one crime in a single incident, posts will record and count the case under the most severe crime associated with the case. The hierarchy of priority is in descending order as listed in section d. For example, in a case in which a citizen is robbed and murdered, the case will be reported as a murder. Consular Officers should use judgment to select the crime category that best applies in each victim's case. If you are unsure, contact Victim Assistance.

7 FAM 1942 FRONT CHANNEL TELEGRAMS

(CT:CON-147; 09-21-2006)

- a. You are not required to send a telegram on each case of violent crime that affected a U.S. citizen. Some cases may merit such special reports due to the need to coordinate diplomatic exchanges, arrange for interagency assistance, or provide press guidance for cases that are the subject of media attention. In such instances, **your reporting should:**
 - (1) Always be sensitive to the emotional needs and feelings of the alleged victim, especially in instances where he/she has experienced an extremely traumatic event involving any degree of violence; and
 - (2) Be limited to the facts of the case as reported by the alleged victim and information from local authorities. Report enough detail to convey the gravity of the incident, without including sensational or graphic details that would be particularly painful or personal for the victim. Until it has been determined by local authorities that a crime has occurred, it is an "alleged crime." Do not include conjecture or speculation.
- b. **Homicide Cases and Privacy:** 7 FAM 061 e explains that the Privacy Act does not protect records pertaining to deceased individuals. However, next-of-kin may have a "common law" privacy interest in not having information about the deceased released, e.g., if it could embarrass, endanger or cause emotional distress to them. 7 FAM 061 k further explains, while records pertaining to deceased individual do not have any Privacy Act protections, a Freedom of Information Act (FOIA) request for the decedent's file may be rejected in whole or in part where the release of information would unjustifiably invade the privacy of the latter's next-of-kin.

- c. **Use Neutral Terms:** Post reporting about crime victim cases should avoid speculation or conjecture not supported by the facts of the case.

For example:

- **The alleged victim said the following occurred.**
- **Mr. Public alleged that the following occurred.**

- d. Indicate “**Crime Victim Assistance Case**” on the subject line.
- e. Include the following pertinent details:
- (1) Name, date and place of birth of the victim;
 - (2) Victim’s passport number, if known;
 - (3) Nature of the crime;
 - (4) Medical condition and present location of the victim;
 - (5) Whether the victim is a resident of the United States and if so, what state. (This information is needed to determine what resources might be available.);
 - (6) Affiliation of victim (employer, school, missionary group, tour group, etc.);
 - (7) Next-of-kin or other points of contact;
 - (8) Consular services provided and additional services needed, including whether referrals to victims assistance and victim compensation programs were provided;
 - (9) Whether a police report was made;
 - (10) Privacy Act information/waiver; and
 - (11) In **death cases** include (see 7 FAM 200):
 - (a) Cause of death;
 - (b) Location/condition of the remains;
 - (c) Local autopsy requirements;
 - (d) Estimated time for release of remains; and
 - (e) Forensic identification requiring coordination with next-of-kin (DNA tests, etc.), if applicable.

7 FAM 1943 THROUGH 1949 UNASSIGNED